



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,487	01/25/2002	Lisa A. Racie	08702.0073-00000	3565
25291	7590	11/25/2003	EXAMINER	
WYETH PATENT LAW GROUP FIVE GIRALDA FARMS MADISON, NJ 07940			SLOBODYANSKY, ELIZABETH	
			ART UNIT	PAPER NUMBER
			1652	

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
Pat nt and Trademark Office  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

10 057 487

EXAMINER	
ART UNIT	PAPER NUMBER
1652	

DATE MAILED:

**Please find below a communication from the EXAMINER in charge of this application**

Commissioner of Patents

Reply filed September 22, 2003 fails to place this application in condition for allowance for the following reasons.

The paper copy of the Sequence listing filed September 22, 2003 and a copy of the computer readable form (CRF) thereof filed November 13, 2003 are not identical. The paper copy contains 32 sequences while the CRF contains 8 sequences.

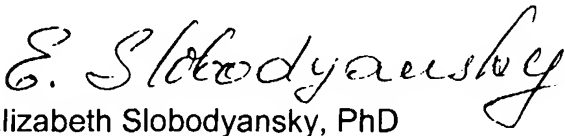
The specification has been amended to delete Figure 1 and the references to some sequences, at least to SEQ ID NOs: 2 and 3. However, the Sequence Listing contains SEQ ID NOs: 2 and 3. Furthermore, the specification has been amended to introduce the text previously not present therein such as, for example, on page 5 ("For production in mammalian cells, ...") and page 11, ("B. subtilis, Pseudomonas"). It appears that the amendment raises the new matter issues and Applicants have provided no explanation for the changes introduced to the specification. Since prosecution on the merits has been closed in the last Office action, the amendment filed September 22, 2003 will not be entered.

Applicant is given **ONE (1) MONTH** from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. Extensions of this time period may NOT BE GRANTED under 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Slobodyansky whose telephone number is (703) 306-3222. The examiner can normally be reached Monday through Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Ponnathapura Achutamurthy, can be reached at (703) 308-3804. The FAX phone number for Technology Center 1600 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Center receptionist whose telephone number is (703) 308-0196.

  
Elizabeth Slobodyansky, PhD  
Primary Examiner

November 17, 2003